## IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TENNESSEE EASTERN DIVISION

UNITED STATES OF AMERICA, Plaintiff,

Vs. Cr. No.: 1:19-cr-10040-JDB

JEFFREY W. YOUNG, Jr., Defendant.

## EMERGENCY MOTION FOR RELEASE TO HOME CONFINEMENT

Comes now, Jeff Young, by and through his attorney of record, and hereby moves the Court for an emergence modification of the bond/bail conditions in this matter and for cause would show:

- That Mr. Young is in immunosuppressive therapy because he is an organ recipient.
   His kidneys failed him years ago and his mother donated one of her kidneys to him.
   He is on a lifetime of daily immunosuppressive drug therapy to ensure the transplanted kidney doesn't trigger the immune response that leads to organ rejection.
- That the State of Tennessee has today declared a state of emergency due to the Covid-19 pandemic.
- 3. That currently most colleges and universities in this region are closing down and moving over to on-line classes only (e.g., Rhodes College, University of Mississippi, University of Memphis) due to the threat of infection in large contained populations.

- 4. Courts are canceling jury trials. Shelby County has canceled for the next two week at least, and federal district courts in Ohio and Massachusetts have canceled trials for the foreseeable future.
- 5. The Covid-19 virus is 10 times more lethal that the common flu. Its deaths are almost exclusively in the older populations and people with pre-existing conditions, expressly noted dangerous to those on immunosuppressive therapy.
- 6. Mr. Young is confined in a population that is ripe for rapid and uncontrolled infection. Contraction would likely lead to his death. He is better protected outside of a custodial setting and would reduce the chance of death tremendously.
- 7. The Tennessee Association of Criminal Defense Attorneys, Tennessee preeminent organization representing citizen accused of crimes will be issuing a press release concerning the dangers of pretrial incarceration throughout this pandemic. See, Exhibit A, Attached.
- 8. Mr. Young requests immediate release to home confinement to be monitored either electronically or by the pre-trial release department.

## **CERTIFICATE OF CONSULTATION**

Andrew Pennebacker indicates he is opposed to the requested relief.

WHEREFORE, premise considered, we ask the Court to release Jeff Young to home confinement under conditions the Court sees fit.

The CLAIBORNE ∰ FERGUSON Law Firm, P.A.

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/s/ Claiborne H. Ferguson CLAIBORNE H. FERGUSON (20457) Attorney for Defendant

## **CERTIFICATE OF SERVICE**

I, the undersigned, do hereby certify that a true and exact copy of the foregoing document has been served upon all concerned parties, via the Court's electronic filing system, this the 12th day of March 2020.

s/Claiborne H. Ferguson CLAIBORNE H. FERGUSON